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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/648,159 | 08/25/2003 | Regis Gallet | 179,041 | 3549 |
| 26067 | 7590 | 04/19/2006 | EXAMINER | |
| HEXCEL CORPORATION 11711 DUBLIN BOULEVARD DUBLIN, CA 94568 | | | DIXON, MERRICK L | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1774 | |

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/648,159

Applicant(s)

GALLET ET AL.

Examiner

Merrick Dixon

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on rce filed 3-23-06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 7-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


MERRICK DIXON
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,7,8,10,11,14,15,16,18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Toshiharu et al(US 3666615).

The reference to Toshiharu et al teaches the claimed composite product including a fibrous reinforcing layers(1,3) with two sides having a resin layer(2) and hardening agent layer(4) bonded to each respective sides thereof. The reference further teaches the layers having different flow states -col 3, lines 10-25; col 4, lines 62-73; col 2, lines 27-37. Concerning claim 16, the reference teaches epoxy resin in col 2, lines 60-61. Concerning claim 18, the reference teaches acid anhydride hardening agent in col 2, line 51-62. Concerning claim 7, the reference also teaches adhesive film in col 4, lines 45-46. Concerning claim 10, the reference teaches adhesive layer in col 4, line 45-47. Concerning claims 14 and 15, the reference teaches woven fabric layer material in col 3, lines 52-55.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 2,9,12,13,17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toshiharu et al(US 3666615) in view of Kuhn(US 3935355).

The primary reference to Toshiharu et al teaches the basic claimed composite product including a fibrous reinforcing layers(1,3) with two sides having a resin layer(2) and hardening agent layer(4) bonded to each respective sides thereof.. The primary fails to expressly teach reinforcing layers on both sides of its respective layers. The secondary reference to Kuhn, however, teaches that it is known in the art to interchange desired types layers in its laminated structure with reinforced material. It would have been obvious to one of ordinary skill in the art at the time the invention is made to combine the teachings of the secondary reference and provide similar reinforced layers at desired locations/positions in the primary's article, in the absence of unexpected results motivated by the desire to produce desired final liminated articles of desired properties, i.e., additional reinforcements. In regards to claims 2 and 3, it is submitted it would be within the art to place the reinforcing layers on desired locations on the resin and hardenening agent layers , in the absence of unexpected results motivated by the desire to produce articles of desired properties (see col 2, lines 27-37) . Concerning claims 9 and 12, the secondary reference teaches protective layers (2,8) in figure 1. Concerning claim 19, the secondary reference teaches similar placements of adjacent resin and hardening agent layers from the barrier layer- see above. Concerning claims

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13 and 17, the secondary reference teaches stretched glass fibers in col 2, lines 49-64; col 3, lines 55-64.

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Toshiharu et al (US 3666615).

The reference to Toshiharu et al teaches the claimed process steps of applying two respective layers to a middle layer- col 3, lines 10-25; col 4, lines 62-73. It is noted to be afforded any patentable weight, the recited material used during the claimed process must affect the process in a manipulative way and not amount to the use of same as is the instant case. Ex parte Pfeiffer, 1962 C.D. 408(1961). Accordingly, such material were not given patentable weight during the instant process examination. However, the claimed material's characteristics would be inherent, for the reference teaches identical material as discussed above. Concerning claims 22 and 23, the reference cures it product- col 4, lines 6-16 and teaches stacking the layers as claimed- col 3, lines 66-73.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Snyder et al(US 3674021) is cited of interest for its teachings as set forth..

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Applicants who wish to send a facsimile (draft copies) for the examiner's immediate review can do so by using the Examiner's personal fax number at 571-273-1520. The faxing of all papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 (November 15, 1989). **NOTE: All facsimiles sent to the examiner's personal fax number should be in draft-forms and will be treated as informal.**

Same facsimiles will not be entered in the related applications unless otherwise agreed and noted by the examiner.

The fax number for all other fascimile is 571-273-8300.

Information about **the status of an application** may be obtained from the Patent Information Retrieval system (**Private PAIR**).

Status inquires for **published applications** may be retrieved from either **Private PAIR** or **Public PAIR**. Questions about the PAIR system should be directed to the Electronic Business Center at **866-217-9197**.

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Any questions concerning the instant communication should be directed to Examiner
Dixon, at 571-272-1520, Mondays, Wednesdays and Thursdays, between 12 noon and
8 PM, eastern time .

A handwritten signature in black ink, appearing to read 'Merrick Dixon', with a stylized, flowing script.

Primary Examiner

Group 1700